

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 12-56463

PELICAN INDUSTRIES S-CORP,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING, WITHOUT PREJUDICE, THE CHAPTER 7 TRUSTEE'S
MOTION FOR ORDER TO SHOW CAUSE**

On September 1, 2015, the Chapter 7 Trustee filed a motion seeking an order to show cause, entitled "Motion for Court Appearance and for Order to Show Cause for Failure to Produce Records and Appear for a Judgment Creditor's Exam" (Docket # 76, the "Motion"). On September 22, 2015, the Trustee filed a certificate of no response (Docket # 77), indicating that no timely objection was filed to the Motion. But the Court will deny the Motion without prejudice, for the following reasons.

There is no procedure under the Federal Rules of Bankruptcy Procedure or local bankruptcy rules for a party to move for an order to show cause. If the Trustee wishes to seek relief for a party's failure to comply with an order of the Court, or, as in this case, the failure of a party to obey a subpoena, the Trustee may file a motion for an order holding the party in contempt and for contempt-related relief. *See, e.g.*, Fed.R.Civ.P. 45(g), which applies in bankruptcy cases under Fed.R.Bankr.P. 9016; Fed.R.Bankr.P. 9020. Any such motion must comply with E.D. Mich. LBR 9014-1.

Accordingly,

IT IS ORDERED that the Motion (Docket # 76) is denied, without prejudice.

Signed on September 23, 2015

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge